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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,823	06/08/2007	Chau Thien Vo	14566-3us PTN/df	6744
20988	7590	01/04/2010	EXAMINER	
OGILVY RENAULT LLP 1, Place Ville Marie SUITE 2500 MONTREAL, QC H3B 1R1 CANADA			PHAM, MINH CHAU THI	
			ART UNIT	PAPER NUMBER
			1797	
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			01/04/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,823	<b>Applicant(s)</b> VO, CHAU THIEN	
	<b>Examiner</b> MINH-CHAU T. PHAM	<b>Art Unit</b> 1797	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

***Specification***

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ray et al (5,281,246).

Ray et al teach an apparatus (10) for filtering particulates from a gas comprising a casing (12) defining an inner cavity having an inlet adapted to receive a flow of gas, and an outlet (46) through which gas exits the inner cavity (see Figs. 1 & 2, col. 3, lines 3-11), a filter (16) such that gas exiting the inner cavity through the outlet (46) passes through the filter (16), the filter (16) being adapted to retain particulates beyond a predetermined size from a gas flowing therethrough (col. 4, lines 5-15), a back-pulse generator (22) positioned downstream of the filter (16) having a diaphragm (122) actuatable to induce a flow of gas, the diaphragm (122) being oriented such that actuation of the diaphragm causes a reverse flow of gas to dislodge a portion of the particulates retained in the filter (16) into the inner cavity (col. 6, lines 3-46, col. 8, lines 19-35), means as a dust tray (52) for accumulating the portion of the particulates dislodged from the filter (16, col. 5, lines 37-55), a flow generator (14, col. 3, line 59

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through col. 4, line 2) within the inner cavity of the casing (12) to cause the flow of gas from the inlet to the outlet (46), a casing portion (38, col. 3, lines 49-58) detachable from a remainder of the casing (12), and the casing (12) being on casters (24). Ray et al further teach a method for removing particulates from a filter (16) in a gas filtration system (10) comprising the steps of positioning the back-pulse generator (22) opposite the filter (16) such that the generator faces a filtrate side of the filter (16) (see Figs. 5A & 5B), stopping a filtering flow of gas through the filter, and actuating the back-pulse generator to cause a reverse flow of gas through the filter (16) to dislodge particulates from the filter (16) (col. 6, lines 3-46, col. 8, lines 19-35).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (6,616,720 B1), in view of Vross et al (5,873,919).

Smith discloses an apparatus (10) for filtering particulates and an undesired gas from a main gas comprising a particulate treatment station (100) enclosed in a first casing having a first inlet adapted to receive a main gas carrying particulates and an undesired gas, a first filter or retaining particulates in the particulate treatment station (col. 8, lines 27-34), a chemical treatment station (200) in a second casing physically separated from the first casing having a second inlet in fluid communication with the first

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outlet of the particulate treatment station (100) via a conduit (50) such that the particulate treatment station (100) and the chemical treatment station (200) are separated from one another (see also col. 8, lines 56-63, col. 10, lines 25-41), and a pressure differential system to cause a flow of the main gas through the particulate treatment station and the chemical treatment station (col. 1, lines 15-23, col. 2, lines 16-31), a motor mounted in the chemical treatment station (200) (see col. 10, lines 35-37), and the first casing (100) and the second casing (200) being on casters (col. 4, lines 5-10). Claims 14-21 differ from the disclosure of Smith in that the chemical treatment station (200) comprising means to clean chemicals from the air flow. Vross et al discloses a system for removal of noxious fumes which is on wheels comprising a series of chemical filters (49, 50, 51) for removal of odors, gases and vapors containing chemical fumes. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to substitute the remote unit (200) of Smith by the chemical treatment station as taught by Vross et al since it is well known in the art that chemical treatment of the gas would effectively clean the filtered gas exiting from the system to the environment.

Claims 18 and 19 call for the motor being mounted on the hinged plate or to a bracket. It would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the motor inside the casing on the hinged plate or to a bracket, as desired, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH-CHAU T. PHAM whose telephone number is (571)272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Minh-Chau T. Pham/  
Examiner, Art Unit 1797  
December 8, 2009